IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.77156-M of 2006

DATE OF DECISION: MARCH 6, 2007

Sukhwinder Singh @ Sukha and another

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.S.S.Rangi, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

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The petitioners apprehending their arrest in a non-bailable offence in case FIR No.12 dated 6.2.2004 registered under Sections 406/420 IPC at Police Station, Division No.7, Jalandhar, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 21, 2006, the arrest of the petitioners was stayed subject to the condition that they will appear before the trial court and furnish their regular bail bonds to its satisfaction.

I have heard the counsel for the parties.

Counsel for the petitioners contends that the petitioners were on regular bail in the aforesaid case and were regularly appearing. However, on 3.11.2006, they could not appear in the trial Court as they and their counsel had wrongly noted the date as 13.11.2006, and because of their non appearance, their bail bonds were cancelled and they have been summoned through non-bailable warrants. Counsel further contends that the absence of the petitioners on the aforesaid date was not intentional or deliberate.

Counsel for the petitioners contends that in spite of the registered letter written to the petitioners, they did not turn up to inform him whether in terms of the aforesaid interim order, they have appeared before the trial Court and furnished their fresh regular bail bonds. Counsel for the

respondent-State, on instructions from ASI Mangal Singh, submitted that as far as petitioner No.2-Kanwaljit Kaur is concerned, she has appeared before the trial court and furnished her fresh regular bail bonds in terms of the aforesaid interim order passed by this court. As far as petitioner No.1-Sukhwinder Singh @ Sukha is concerned, he did not furnish the regular bail bonds in terms of the interim order.

In view of the aforesaid fact, this petition qua petitioner No.1-Sukhwinder Singh @ Sukha is dismissed since he has failed to comply with the aforesaid interim order by not appearing before the trial court and furnishing the regular bail bonds.

As far as petitioner No.2-Kanwaljit Kaur is concerned, since in terms of the interim order dated December 21, 2006, she has appeared before the trial court and furnished her fresh regular bail bonds and since then she is regularly appearing, the same is made absolute qua her.

Disposed of accordingly.

March 6, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE